

IN SENATE OF THE UNITED STATES.

AUGUST 9, 1848.

Submitted, and ordered to be printed.

Mr. CORWIN made the following

REPORT:

[To accompany bill S. 347.]

The select committee, to whom was referred the memorial of William Darby, praying compensation for his labors in surveying and exploring the territory of the United States west of the Mississippi, in the years 1812 and 1813, report:

That they find said Darby was the first to furnish an accurate map of that portion of the territory of the United States lying west of the Mississippi, and bordering on the line between the United States and Spain as fixed by the treaty ceding Louisiana to the United States. The committee are satisfied that the materials for a map thus procured by Mr. Darby were those used by Melish in his map, published in 1816; that said Darby was never remunerated for his services by said Melish, and that his (Darby's) contributions to our then scanty stock of knowledge as to the geography of the country referred to were of great value to the government of the United States. The committee are satisfied that Mr. Darby has never received any compensation for his valuable services, and they cannot doubt the propriety of rewarding him. As the government has availed itself of the unpaid labors of Mr. Darby, the committee conceive it is just that the government should make compensation to him. They therefore have reported a bill allowing Mr. Darby \$1,500. Although the committee are aware that this is by no means an adequate compensation for the labors and materials of the petitioner, yet, as he has no strictly legal claim, the committee have thought the above sum might afford some small recompense to the petitioner. He is now far advanced in life, and, having spent all of his active life in scientific pursuits, like most of that class, finds himself near the close of life dependant on his daily exertions for subsistence.

For the facts bearing on the case, the committee refer to the following documents accompanying this report:

- No. 1.—Memorial of Mr. Darby.
- No. 2.—Affidavit of Mr. Darby.
- No. 3.—Affidavit of H. S. Tanner.
- No. 4.—Affidavit of H. Cary.
- No. 5.—Affidavit of H. S. Tanner.
- No. 6.—Certificates of General Jackson, General Gaines, and W. O. Winston.

No. 1.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The petition of William Darby, of the city of Washington,
RESPECTFULLY REPRESENTS :

That, as is set forth in the enclosed printed notes, your petitioner, at his own expense and unaided labor, collected material for a map and statistical account of Louisiana and parts adjacent, which were, as stated in the enclosed printed notes, published in the city of Philadelphia, by John Melish, in 1816. Further, that the said Melish extorted the privilege of inserting the original geographical data collected by your petitioner on his (Melish's) map of the United States ; and which procedure eventuated in an almost entire monopoly in favor of Mr. Melish of whatever emolument these materials could produce. Again : that the government of the United States by the adoption in two important treaties—the first (1819) in particular—of the name of Melish, as authority on boundaries, the very part of his map, which your petitioner had at great expense of time, and also, as already stated, by his own resources, obtained by actual survey—virtually conveying to Melish not only the benefit but likewise the credit.

From 1819, the date of the treaty between the United States and Spain, the works of your petitioner on Louisiana have ceased and continue to be of no value to their author.

When your petitioner entered the upper Sabine region, he found it an entire wilderness, and it is no risk on his part to assert that the result of his survey was the first document which gave the features of that region to science.

In as brief terms as the nature of the case would admit, your petitioner has respectfully and truly stated the grounds of his claim, and hopes that the government will duly weigh the merits, and, if found deserving, award such amount of recompense as may appear justly due. In particular, your petitioner begs leave to state that, if the time employed on the works, the money of course expended, and the long period elapsed since their completion, if taken together, with the cause why these works were rendered ut-

terly unproductive to their author—and all are estimated—*ten thousand dollars* would not be an over charge.

The best days of your petitioner were spent in the performance of the labors; and now in the decline of life, whatever amount may be awarded will be very gratefully received by

WILLIAM DARBY.

No. 2.

WASHINGTON CITY:

Personally appeared before me, William Darby, whose name is appended to the enclosed memorial, and made oath on the Holy Evangelists of Almighty God, that the statements, as therein contained, are true; that he, the said Darby, had no other bargain or engagement with, or ever received from John Melish, other or any remuneration for the use made by the said Melish of the geographical material supplied by the deponent, the said Darby, than what is stated in the memorial herewith enclosed.

WILLIAM DARBY.

Subscribed and sworn to before me, the 1st day of February, 1848.

W. W. SEATON, *Mayor*.

No. 3.

NEW YORK, *January 29, 1848.*

DEAR SIR: In reply to your inquiries, I have to state that I never did learn, nor do I believe, that either before or after the publication of their respective maps, that John Melish ever paid to William Darby a single dollar for any service whatever; that I have read the accompanying memorial carefully, and recalled remembrance of the transactions between Melish and Darby, as far as my memory serves me, and believe the statements in the memorial to be substantially true.

Respectfully, yours,

HENRY S. TANNER.

WM. DARBY.

Sworn before me, this 29th day of January, 1848.

WM. V. BRADY, *Mayor*.

No. 4.

PHILADELPHIA, January 28, 1848.

I have received and read the enclosed printed memorial of Mr. William Darby, and, to the best of my knowledge and belief, have found the statements true.

HENRY D. CAREY.

Sworn to and subscribed on this 29th day of January, A. D., 1848, before me.

CHAUNCEY BUCKLEY, *Alderman.*

No. 5.

NEW YORK, January 24, 1848.

I, Henry S. Tanner, of the city of New York, map publisher, hereby declare to the best of my knowledge and belief, that, in the construction of Melish's map of the United States and contiguous British and Spanish possessions, published originally in 1816, the compiler, John Melish, adopted and used the map of Louisiana, by William Darby, for so much of his (Melish's) map as relates to the entire State of Louisiana, the adjoining parts of Texas, and those of the then Territory of Mississippi; and further, that the said Melish relied upon, and used *exclusively* the map and verbal communications of Mr. Darby, in the compilation of the entire region in question, without any further alteration than a difference of scale of the former, rendered necessary.

HENRY S. TANNER.

Sworn before me this 24th of January, 1848.

WM. V. BRADY, *Mayor.*

NEW YORK, January 24, 1848.

DEAR SIR: In compliance with your request, I send herewith my testimony in relation to your map, &c, which I hope will serve your purpose and lead to a clear understanding of the *fact* of Melish having used your map in the compilation of the corresponding parts of his.

Truly, yours,

H. S. TANNER.

WILLIAM DARBY, Esq.,
Washington, D. C.

No. 6.

NOTES IN REGARD TO MY SURVEY OF THE SABINE RIVER.

It was in the first part of the year 1808, that I first formed the design to make a map of, and write a statistical account of that region of country, including the State of Louisiana and parts adjacent. From the time mentioned to the month of August, 1811, I kept the plan in view, though only incidentally, collecting material; but thenceforward, until late in 1814, my attention was turned and my time devoted almost exclusively to the project.

When seriously engaged, I soon found that all the maps and other data descriptive of the region intended to be represented, and which were then published and attainable, even when added to element produced by the public surveys, yielded very insufficient material, particularly as to the outlines; and that to construct a map of the country with any pretence to accuracy or fulness, I had much to procure from my own means.

In the latter part of 1811, I made an extensive tour over the northern part of what is now the State of Louisiana, and became still more convinced of the necessity of an actual survey of the northwestern and western part of the regions intended to be represented and described. In consequence of these convictions I made, in 1812 and 1813, a regular survey, which was commenced at the flag-staff of Fort Claiborne, at Natchitoches, and extending thence, over the intermediate space, to where north latitude 32° crosses the Sabine river; thence down that stream to its discharge into the Gulf of Mexico; thence along the shore of that gulf to the mouth of the Calcasieu river; and thence up that stream to its upper lake.

The element obtained by this survey, incorporated with all other requisite data, which I had been enabled to obtain, constituted the element for my map and statistical account of Louisiana, and part of the then Mississippi territory.

All these surveys and collections were made at my own expense, and for which I have never received the smallest recompense, except what may be supposed to have accrued from the sale of the map and book, which, from a cause I shall fully show, never returned to me a tithe of their own expense. Application was made to the Legislature of Louisiana for aid in publication, and refused; but, though thus left to my own slender resources, I persevered, and in the month of August, 1814, had made preparation to proceed to New York and Philadelphia, with a view to publication; but when about to set out was arrested by the depressing news that the seat of government of the United States had been taken and in part destroyed by a British army. The natural effect on the public mind of such an event was, for the time, to render abortive all attempts to carry into execution any such an undertaking as the one on which I was employed. Rapidly following the report of the capture and partial conflagration of Washington, came the rumor of an intended invasion of Louisiana, which was realized in the month of December, of the same year. Of how my time was employed during the

invasion to its glorious termination, the subjoined documents will show. They are copied from the originals now on my table.

HERMITAGE, *September 7, 1827.*

DEAR SIR: Your note of the 14th ult. has been received, and, as you have requested, I send you a testimonial of my approbation of your services as one of my topographical staff in the campaign before New Orleans in the years 1814-'15. You will find it below. I regret that you have lost the one heretofore given you.

With my best wishes, I am, dear sir, yours,

ANDREW JACKSON.

Be it remembered, that during the late war, and whilst the enemy were before New Orleans, William Darby acted as one of my topographical staff, performed his duty much to the satisfaction of the commanding general; and at the close of the war I gave him a written testimonial that his services had obtained for him my full approbation

Given under my hand, this 7th September, 1827.

ANDREW JACKSON.

After the British fleet and army had retired from the fields and waters of Louisiana, General Jackson made preparations to give up the command of the 7th military district to General Edmund P. Gaines, preparatory to setting out to return to his home in Tennessee. The latter arrived at New Orleans about the same time that the British army retreated, and a few days after, at his request, I accompanied General Gaines on a tour of inspection to Petite Coquille, Bayou Terre Aux Bœufs, and other places.

Before leaving Louisiana, General Jackson inspected the rough copy of my map, and gave the attestation which I now copy from the original:

HEAD-QUARTERS,
New Orleans, April 5, 1815.

I have no doubt whatever that Mr. Darby's map of Louisiana is more correct than any which has been published of that country.

He has certainly taken extraordinary pains to acquire correct information; and, as far as my opportunities have enabled me to judge, I am induced to think his delineations very correct.

ANDREW JACKSON,

Maj. Gen. comd'g 7th military dist.

The Hon. SECRETARY OF WAR.

Louisiana was not a new field to General Gaines; he had resided in it and the neighboring parts many years. I had the honor of his acquaintance, and therefore he had learned from personal knowledge the pains I had taken to gain correct data for my works, the rough draughts of which I submitted to his inspection, and received from him the following attestation, which I copy from the original in his own hand:

I have examined Mr. Darby's map of Louisiana, and am of the opinion that the delineations are faithfully drawn, and that it exhibits much more correct information of the topography of this country than any map heretofore published; and I heartily concur in the opinion expressed by Major O. Winston.

Given at New Orleans, April 2d, 1815.

EDMUND P. GAINES,
Major General by brevet.

The testimony of Major Winston, alluded to by General Gaines, is also now before me in the original, as follows:

Mr. William Darby having mentioned to me his intention to publish a general map of the State of Louisiana, I have no doubt from the industry and capacity of Mr. Darby, his map is correct. It is drawn principally from actual survey and the most minute observations. Mr. Darby having been a surveyor in this country, and very extensively engaged as such, and possessing a genius most peculiarly adapted and directed to topographical studies, I am of opinion his map will be very full and minute. Having some acquaintance with the geography of Louisiana, on examining his map, I find it very accurate as far as my observations extend.

No trouble, expense, or labor has been spared by Mr. Darby in compiling his map, and the scale upon which it is proposed to be published will make it the most full, perfect, and complete map of Louisiana which has ever been published.

The historical notes proposed to be appended by Mr. Darby, from the extent of his information and capacity, I have little doubt will be no small acquisition as well to the literature as the history of the United States.

WILLIAM O. WINSTON.

NEW ORLEANS, *April 1, 1815.*

I have examined Mr. Darby's map of Louisiana, and am of the opinion that the delineations are faithfully drawn, and that it exhibits much more correct information of the topography of this country than any map heretofore published; and I heartily concur in the opinion expressed by Major O. Winston.

Given at New Orleans, April 24, 1815.

EDMUND P. GAINES,

Major General by brevet.

The testimony of Major Winston, alluded to by General Gaines, is also now before me in the original, as follows:

Mr. William Darby having mentioned to me his intention to publish a general map of the State of Louisiana, I have no doubt from the industry and capacity of Mr. Darby, his map is correct. It is drawn principally from actual survey and the most minute observations. Mr. Darby having been a surveyor in this country, and very extensively engaged as such, and possessing a genius most peculiarly adapted and directed to topographical studies, I am of opinion his map will be very full and minute. Having some acquaintance with the geography of Louisiana, on examining his map, I find it very accurate as far as my observations extend. No trouble, expense, or labor has been spared by Mr. Darby in compiling his map, and the scale upon which it is proposed to be published will make it the most full, perfect, and complete map of Louisiana which has ever been published.

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WILLIAM O. WINSTON.

New Orleans, April 1, 1815.